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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/388,373	09/01/1999	MASAHIKO YOKOTA	862.3008	3894

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EXAMINER

NGUYEN, THOMAS T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/388,373

Applicant(s)
YOKOTA

Examiner
THOMAS T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01-06-03 (Amendment B)
- 2a) ☒ This action is FINAL.
- 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-13 and 15-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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FINAL ACTION (paper #10)

Claim Rejections - 35 USC § 103

Claims 3-13,15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al U.S Patent No. 5,727,135 in view of Ouchi U.S Patent No.6,226,096.

As per claim 3, Webb discloses in Fig.1 including the following:

a system and method for controlling a remote apparatus(16) from an external device (11) is connected 19,21 to the remote apparatus, including steps of:

- the apparatus has a control-panel (35) for specifying a processing operation, and which is operated in accordance with an indication from the control panel and/or an externally supplied command 12,14,35,63 (Fig.1); and detecting a paper-jam, out-of-paper (claims 7,14 and col.3 lines 40-53);

- displaying on the external device has a virtual-control-panel (63) for displaying an appearance identical or similar to at least part of the control-panel of the remote apparatus; and including generating an operational command from virtual control panel for operating the remotely controlled apparatus (col.4 lines 42-67 and col.5 lines 1-5, summary).

Regarding applicant's amendment (paper #7) that the remote apparatus has a reader for reading an image of a document and detecting that the document has been set to

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the reader. Webb's system discloses other types (eletrophotographic) of remote controllable apparatus (col.6 lines 26-28) but Webb fails to specifically disclose the remote apparatus containing an image reader. On the other hand, it was known in the art that eletrophotographic printer and image reader are build together in a multi-function peripheral apparatus. For instance, Ouchi discloses "a multi-function peripheral apparatus, containing the image reader and the printer device, wherein the image reader has a sensor to detect "detector devices 9 for detecting various errors in the scanner device 5 and printer device 6, an operation panel 10 having an operational portion 10A and a display portion 10B, a data bus 12, and a bi-directional parallel interface 11 that includes an I/O port for communication with a host apparatus 20"(col.8 lines 1-25, Figs.1,7).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to modify/ upgrade Webb's remote controllable printer having a virtual control panel by replacing Webb's remote controllable printer (electrophotographic printer) with Ouchi's teaching of the remote controllable multifunction apparatus (image reader and printer) because the "multifunction apparatus" is a single unit, using a single I/O port, and has a control panel similar to Webb's

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electrophotographic printer, however the multifunction apparatus gives the user more capability in computing environment.

As per claim 4, Webb discloses a remote control system in Fig.1 comprising:

- the remotely controllable apparatus has a control-panel (35) for specifying a processing operation, and which is operated in accordance with an indication from the control panel and/or an externally supplied command 12,14,35,63 (Fig.1); and detecting a paper-jam, out-of-paper (claims 7,14 and col.3 lines 40-53);

- an information processing apparatus 11 capable of supplying a command to the remotely controllable apparatus; and a display unit 13 and input device 12,14 connected to said information processing apparatus; wherein said information processing apparatus includes:

- discriminating means, and communications protocol for establishing correspondence between a command, which operation of the control panel causes to be applied to the remotely controllable apparatus, and an operation performed on the virtual control panel 63 (summary, col.4 lines 43-67); and

- communication means, Webb discloses a bidirectional communications and LAN (Fig.1) for supplying the remotely controllable apparatus with the command corresponding to the operation performed on the virtual control panel (col.3 lines 54-67);

Regarding applicant's amendment that "detecting means for detecting that document has been set to the reader". Although, Webb's system discloses other types of remote

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controllable apparatus “The invention is equally applicable to other electrophotographic printers as well as ink jet, wire matrix and other types ” (col.6 lines 26-28); and detecting, and display a paper-jam, out-of-paper on the display unit 13, a virtual control panel 63 having an appearance identical with or similar to the control panel 35 in response to the detection by said detecting means (claims 7,14 and col.3 lines 40-53).

On the other hand, Webb fails to disclose an image reader having sensor for detecting of the document. However, it was known in the art that the sensor for detecting document is associated with the image reader. For instance, Ouchi discloses “a multi-function peripheral apparatus, containing the image reader and printer device, wherein the image reader has a sensor to detect “detector devices 9 for detecting various errors in the scanner device 5 and printer device 6, an operation panel 10 having an operational portion 10A and a display portion 10B, a data bus 12, and a bi-directional parallel interface 11 that includes an I/O port for communication with a host apparatus 20”(col.8 lines 1-25, Fig 7).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to modify Webb’s system having a virtual control panel by replacing Webb’s remote controllable apparatus (electrophotographic printer) with Ouchi’s teaching of the remote controllable multifunction apparatus (image reader and printer) because the “multifunction apparatus” is also a single unit, using a single I/O port, bi-directional communication and has an operation control panel 10 (Fig.1) similar

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Webb's eletrophotographic printer (abstract, Fig.1), however the multifunction apparatus gives the user more capability in computing environment.

Regarding claims 5-6, in addition to what is recited in claim 4, Webb's system discloses the operation is designation of a position on the virtual control panel based upon control-panel information obtained from said remotely controllable apparatus (col.4 lines 1-25).

Regarding claim 7, in addition to what is recited in claim 4, Webb's system displays the virtual control panel based upon control-panel information possessed by the information processing apparatus (col.6 lines 44-52).

Regarding claim 8, dependent on claim 7, Webb's system includes a sufficient amount of internal random access memory to support the operating system as well as all application (col.5 lines 40-55), thus the memory is would be use for storing control-panel information in advance and utilizable by the information processing apparatus.

Regarding claim 9, in addition to what is recited in claim 4, Ouchi discloses a multifunction system, which includes an image forming apparatus (summary col.1 lines 1-16). Therefore, *it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to use* Ouchi's system has image forming apparatus with Webb's system because this would enhance system resources, and meet user needs.

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Regarding claims 10-11, dependent on claim 4, Webb's system discloses display an indication in virtual control panel when sensing document (jam, feed), and tray selection in a printer (col.1, claim 4,7) but Webb fails to specifically document present in image reader device. However, Ouchi's discloses an image input device including document reading mechanism and detection sensor for detects the presence or absence of the document (col.8 lines 1-25). Therefore, *it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to use* Ouchi's multiple image input devices with Webb's system for similar reason as mentioned in the rejected claim 4, and to meet user needs. Regarding to the image of a document capable of supplying the computer with an image signal representing the image read (claim 11), Webb's information processing apparatus has a multiple remote controllable apparatus connected to the information processing apparatus (Figs.8-9) which can be connected directly or by LAN21 in Fig.1.

Regarding claim 12, in addition to what is recited in claim 4, Webb's system discloses the virtual control panel can be alter to meet user needs and enhance the user interface (col.7 lines 62-67 and col.8 lines 1-5).

Regarding claims 13, contain subject matters and features similar to claim 4 thus is rejected for the similar rationale.

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Regarding claims 15-16, in addition to what is recited in claim 4, Webb's system has configuration and establishing the ID of all connected (col.19 lines 17-59), thus Webb's network is inherently discloses the authorization data concerning each user who use data processing system (col.7 lines 54-67).

Regarding claims 17-24, contain subject matters and features which are similar to claims 3-4,15-16 thus they are rejected for the similar rationale.

Regarding claim 24, contain subject matters and features which are similar to claims 3-4,15-16 thus they are rejected for the similar rationale. Furthermore, Ouchi discloses

Claim Rejections - 35 USC § 103

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi U.S Patent No.6,226,096 and Webb et al U.S Patent No.5,727,135.

As per claim 24, Ouchi's Fig.1 discloses a system and control method of an information processing terminal (20) connected to an image reading device (1), said method comprising the steps of:

receiving a signal indicating that a document has been set to the image reading device (abstract, and col.8 lines 1-32).

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- controlling the image reading device in response to receiving the signal in said receiving step; and transmitting a command for instructing to the image reading device based on detector(9) displayed control panel to operating the image reading device (free from error).

Ouchi's system fails to specifically teach in **detail** of displaying a control panel (10) for controlling the image reading device in response to receiving the signal in said receiving step; and transmitting a command for instructing to the image reading device based on manipulation of the displayed control panel.

However, Webb teaches the following:

a system (Fig.1)and method for controlling a remote apparatus(16) from an external device (11) is connected 19,21 to the remote apparatus, including steps of:

- the apparatus has a control-panel (35) for specifying a processing operation, and which is operated in accordance with an indication from the control panel and/or an externally supplied command 12,14,35,63 (Fig.1); and detecting a paper-jam, out-of-paper (claims 7,14 and col.3 lines 40-53);

- displaying on the external device has a virtual-control-panel (63) for displaying an appearance identical or similar to at least part of the control-panel of the remote apparatus; and including generating an operational command from virtual control panel for operating the remotely controlled apparatus (col.4 lines 42-67 and col.5 lines 1-5, summary).

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Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to use Webb's remote controllable by virtual control panel with Ouchi's system because the user can effectively "view" the actual control panel in substantially real-time, and have the ability to access and use all features of the control panel to the same extent that a person could if physically present at the site of the image reader.

Regarding claim 25, in addition to what is recited in claim 24, and furthermore, Webb's system discloses "the ability to access and use all features of the the control panel to the same extent that a person could if physically present at the site of the apparatus" (summary, col.3 lines 62-67). Thus, Webb teaches the displaying step displays the control panel without further manipulation after said receiving step receives the signal (this is the case when system detect no error such as paper is not empty/ jam, receive "ready" signal , Fig.1). Thus, it would have been further obvious to one of ordinary skill in the relevant art at the time of invention was made to use Webb's remote controllable by virtual control panel with Ouchi's system because the user can effectively "view" the actual control panel in substantially real-time, and have the ability to access and use all features of the control panel to the same extent that a person could if physically present at the site of the image reader.

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Response to Applicant's Remarks:

Applicant's arguments filed 1/06/2003 have been fully considered but they are not persuasive.

Examiner respectfully traverses applicant's primary argument(s).

Applicant's argument "Ouchi does not teach or suggest, among other features, **detecting that a document is set in a reader**"(page 12, lines 5-8). However, Ouchi's system discloses "The detector devices 9 are disposed along a plurality of locations in the scanner device 5 and the printer device 6. The detector devices 9 can include, for example, a sensor for detecting a document jam in the scanner device 5, a sensor for detecting a print sheet jam in the printer device 6, a sensor for detecting a shortage of print ink, and other sensors for detecting other operational errors"(col.8, lines 18-25, Fig.1), and "The scanner device 5 in this embodiment is preferably a sheet-feed type. Although not shown, the scanner device 5 is preferably made up of a reading mechanism for reading a document, a conveying mechanism for conveying a document and a motor for driving the conveying mechanism" (col.8, lines 8-13).

Additionally, the examiner notes that the language "*detecting that a document is set in a reader*" of claim 1 merely sets forth the intended field with the reader. Thus, Ouchi's sensor **detects that a document is set in the scanner device** (as being jammed) would meet the language in claim 1. Accordingly, this argument is not persuasive.

Applicant's argument "even assuming, arguendo, Webb et al. and Ouchi could have been combined in the manner proposed in the Office Action, such a combination still fails to teach or

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suggest, among other features, detecting that a document has been set to a reader and, it follows, displaying a virtual control panel based on this detection" (page 12, lines 9-12). This argument is not persuasive because Webb and Ouchi's systems teach and suggest the following:

Webb discloses "Bidirectional communications between a host computer and a selected printer connected to the host, either locally or by way of a network, are used to provide a user of the host with access to a substantially real-time, visual and functional replica of the operator panel of the selected printer. A user at the host computer may also visually monitor the status of multiple printers at the same time from the same host display. Webb system detecting that a document has been set to a the selected printer (paper jammed) and displaying a virtual control panel based on this detection but Webb fails to specifically disclose the remote apparatus containing an image reader.

Ouchi discloses "a multi-function peripheral apparatus, containing the image reader and the printer device, wherein the image reader has a sensor to detect "detector devices 9 for detecting various errors in the scanner device 5 and printer device 6, a control panel 10 having an operational portion 10A and a display portion 10B, a data bus 12, and a bi-directional parallel interface 11 that includes an I/O port for communication with a host apparatus 20"(col.8 lines 1-25, Figs.1,7).

Therefore, it would have been obvious to one of ordinary skill in the relevant art at the time of invention was made to modify/ upgrade Webb's remote controllable printer

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having a virtual control panel by replacing Webb's remote controllable printer (electrophotographic printer) with Ouchi's teaching of the remote controllable multifunction apparatus (image reader and printer) because the "multifunction apparatus" is also a single unit, has a sensor to detect "detector devices 9 for detecting various errors in the scanner device 5 and printer device 6, a control panel 10 having an operational portion 10A and a display portion 10B, a data bus 12, and a bi-directional parallel interface 11 that includes an I/O port for communication with a host apparatus, however the multifunction apparatus gives the user more capability in computing environment.

Conclusion

Accordingly, ***THIS ACTION IS MADE FINAL***. See MPEP 706.07(a). Application is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications should be directed to the Patent Examiner **Thomas Nguyen**, whose telephone number is (703) 308-7240 (Monday to Friday 10:30 - 7:00 ET) or ***Kristine Kincaid*** Supervisory Patent Examiner (703) 308-0640. Other inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)

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305-3900 and Official-Fax number (703) 746-7239 for After Final (703) 746-7238.

Please label properly on the cover page of facsimile communications.

Thomas T. Nguyen

March 10, 2003

Kristine Kincaid
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